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In re Application of :
Thomas Schwegle and Klaus :
Sanladerer :
Application No. 09/843,390 :
Filed: April 25, 2001 :
Attorney Docket No. 67107 :
Title: AQUEOUS COMPOSITION :
USEFUL FOR STABILIZING AND :
TEXTURIZING DAIRY PRODUCTS AND :
PROCESS FOR PREPARING THE SAME :

DEC 17 2001

OFFICE OF PETITIONS

DECISION ON PETITION

This is in response to the "Request for Corrected Filing Receipt", filed September 4, 2001, which is properly being treated as a petition under 37 CFR \$1.10, requesting that the above-identified application be accorded a filing date of April 26, 2001.

The petition is **DISMISSED**.

The application was filed on April 25, 2001. On June 19, 2001, a "Notice to File Missing Parts of Provisional Application" (Notice) was mailed, which indicated that an executed oath or declaration in compliance with 37 CFR \$1.63, and a late filing fee or oath or declaration surcharge were required.

Petitioner has submitted a request that the filling date be changed to April 26, 2001.

Petitioner's request is dismissed, as petitioner has failed to set forth any persuasive arguments. A review of the official file reveals that the abstract, claims, specification, and the transmittal sheet were each date

stamped "April 25, 2001". Furthermore, the petitioner has failed to submit either a postcard receipt, showing that the items were received on April 26, 2001, or an Express Mail mailing label showing a "date in" of April 26, 2001.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

The application is being submitted to the Office of Initial Patent Examination for further processing with a filing date of April 25, 2001.

Receipt of the executed declaration, assignment documents, recordation fee, and the one-month extension of time are acknowledged.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy